

REMARKS

Claim 34 is in this application. Claims 1-33 have been cancelled.

In response to the requirement to elect a species, applicants elect the species A as benzene and L¹ as methane sulphonate. Applicants preserve all rights to file one or more divisional or continuation patent applications for subject matter disclosed but not presently claimed in this application.

The Examiner has rejected claim 34 under 35 USC 112, second paragraph. Applicants respectfully traverse this rejection.

Claim 34 has been amended to delete the terms "derivatives" and "analogs".

Claim 34 has been amended to define the derivatives of the carboxylic acid as amides. Support for this is found on page 10, line 2 of the specification. The derivatives of sulfonic acid are defined as being selected from SO₂NH₂, SO₂NHMe, SO₂NMe₂, and SO₂NHCF₃. Support for this is found on page 10, lines 5-6 of the specification.

Claim 34 has been amended to define the substituents of R¹-R⁴ and A. Support for this is found on page 10, lines 7-21 of the specification.

The cycloalkyl group in claim 34 has been identified as a cyclo (C₃-C₆) alkyl group. Support for this is found on page 8, line 24 of the specification.

Heterocyclyl is defined as aziridinyl, pyrrolidinyl, morpholinyl, piperidinyl and piperazinyl and heteroaryl is defined as selected from the group consisting of pyridyl, thienyl, furyl, pyrrolyl, oxazolyl, thiazolyl, imidazolyl, oxadiazolyl, tetrazolyl, benzopyranyl and benzofuranyl. Support for this is found on page 9, lines 1-4 of the specification.

The leaving group L¹ is defined as methane sulphonate, p-toluene sulphonate or trifluoromethane sulphonate. Support for this is found on page 20 lines 28-30 of the specification.

Therefore, it is respectfully requested that this rejection be withdrawn.

The Examiner has rejected claim 34 as being anticipated by Anderson et al. (WO 95/18793). Applicants respectfully traverse this rejection.

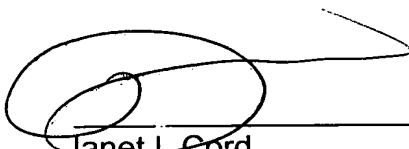
Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Paulsen*, 30 F.3d 1475, 31 USPQ 1671 (Fed. Cir. 1994). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

The Examiner states that the claim reads on 10-(3-chloropropyl)-10H-phenoxazine and refers to page 25, line 17 of the reference. However, the compound disclosed on page 25, line 17 is 10-(3-chloropropyl)-10H-phenothiazine. In claim 34, X is defined as oxygen and L¹ is not defined as halogen. Therefore, since each element of the claim is not found in the reference, the reference cannot and does not anticipate the claim.

Therefore, it is respectfully requested that the rejection be withdrawn.

It is submitted that the application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish.

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